

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 10533 of 2005

Between:

Vankamamidi Sneha, D/o. V. Madhu Kumar,
Minor, rep. by Father V. Madhu Kumar,

S/o. Ramulu, R/o. H.No.1-8-50/1,

Krishnanagar Colony,137,

P.G.Road, Secunderabad.

..... PETITIONER

AND

The Regional Passport Officer,

Near Clock tower, Secunderabad,

rep. by Regional Passport Officer.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not carrying out the correction /alteration of the petitioners correct date of birth as 14.4.1989 instead of 14.9.1988 appearing in Passport No. A5071394 issued on 18.3.1998 basing on the Board of Secondary Education Certificate is illegal, arbitrary, unconstitutional and in violation of Article 19 and 21 of the constitution of India and consequently direct the respondent to issue a fresh passport with my correct date of birth as 14.9.1988 and pass such other order or orders.

Counsel for the Petitioner: MS.B.VIJETHA

**Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY
(ASST.SOLICITOR GEN.)**

The Court at the admission stage made the following:

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ORAL ORDER:

Petitioner filed this writ petition seeking a declaration that the action of the respondent in not carrying out the correction of her date of birth in the passport issued to her is illegal and arbitrary, and to direct the respondent to issue a fresh passport with correct date of birth.

The grievance of the petitioner is that her correct date of birth is 14-09-1988 but, in the passport issued to her, an arithmetical error had crept in and her date of birth was entered as 14-04-1989. When she approached the respondent-authority making an application for correction of her date of birth in the passport, the respondent-authority refused to receive the same stating that the petitioner has to, necessarily, obtain an order from this court. Therefore, the petitioner filed the present writ petition.

The learned Counsel for the petitioner submitted that as per the Secondary School Certificate of the petitioner, the correct date of birth of the petitioner is 14-09-1988, and the respondent-authority, ought to have taken into consideration the said fact and received the application of the petitioner for correction of the date of birth in the passport. To substantiate the claim of the petitioner, reliance was placed on a Circular No.VI/401/2/5/2001, dated 18-04-2001, issued by the Government of India, Ministry of External Affairs.

Heard both sides, and perused the entire material available on record.

In the Circular dated 18-04-2001, certain clarifications were issued, which

read as under:

‘a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport. PIA may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment. PIA may affect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Sec.21 of the General Clauses Act, 1997, a competent authority issuing a Certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document issued by the competent authority i.e., school/educational authority and the applicant subsequently request for a change on the basis of a certificate issued by another competent authority i.e., Municipal authorities resulting in conflicting sources of valid proof. The PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth.’

As per the said circular, if any request for correction of date of birth in the passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In view of the same, this is a matter, which has to be enquired into by the respondent-passport officer basing on the proof to be filed by the petitioner and pass appropriate orders are required to be passed.

Inasmuch as no orders have been passed so far rejecting the claim of the petitioner, without going into the merits of the case, it would suffice if the writ petition is disposed of directing the respondent to accept the application of the petitioner and consider her claim for correction of date of birth as per the Circular No.VI/401/2/5/2001, dated 18-04-2001 issued by the Government of India, Ministry of External Affairs, and pass appropriate orders on merits.

With the above directions, the Writ Petition is disposed of at the admission stage. There shall be no order as to costs.

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29-04-2005

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Copy to:

1 The Regional Passport Officer,
Near Clock Tower, Secunderabad.

2 Two CCs to the Asst. Solicitor General,
High Court Buildings, High Court of A.P.,
Hyderabad (O.U.T.)

3 Two CD copies.